SACRAMENTO DAILY RECORD-UNION.

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DAILY RECORD SERIES—VOL. XVI—NO. 2479.

SACRAMENTO, TUESDAY MORNING, JANUARY 27, 1880.

DAILY RECORD-UNION SERIES, VOLUME 19—NUMBER 138.

THE DAILY RECORD-UNION.

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THE DAILY RECORD-UNION

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For six months	5 00
For three months	3 00
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Subscribers served by Carriers at TWENTY-FIVE CENTS per week. In all interior cities and towns the paper can be had of the principal Periodical Dealers, Newsmen and Agents.

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One Square, 2d page	5 00	7 00	10 00
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Star Notices, to follow reading matter, twenty-five cents a line for each insertion.

Advertisements of Situations Wanted, Houses to Let, Society Meetings, etc., of FIVE LINES OR LESS, will be inserted in the DAILY RECORD-UNION as follows:

One time	25 cents
Three times	50 cents
One week	75 cents

Seven words to constitute a line.

THE WEEKLY UNION

[Published in semi-weekly parts],

Is issued on Wednesday and Saturday of each week, comprising Eight Pages in each issue, or Sixteen Pages each week, and is the cheapest and most desirable Home, News and Literary Journal published on the Pacific Coast.

Terms, One Year $2 00

Semi-Weekly Union Advertising Rates.

Half Square, 1 time	$1 00
Each additional time	50
One Square, 1 time	2 00
Each additional time	1 00

WANTED, LOST AND FOUND.

Advertisements of five lines in this department are inserted for 25 cents for one time; three times for 50 cents or 75 cents per week.

STRAYED—FROM SLAUGHTER house, near the American river bridge, 2 cows; one whitish-yellow, branded J J on left hip, and the other a red cow, bald-faced, horns trimmed. Also 2 yearlings—one heifer and one muley steer. Whoever returns them, or gives information which will lead to their recovery will receive $10 Reward.
ja26-tf CONRAD SCHEPP, Twelfth and E streets.

STOLEN—A SMALL GRAY MARE, saddle and bridle, was stolen from front of Miller's jewelry store, J street, between Sixth and Seventh, on Saturday evening at 6:30. Any person returning them will be liberally rewarded. Address this office. [B. C.] ja26-3t

WANTED—PARTNER, WITH $2,000 CASH, in paying business. Address "M.," this office. [B. C.] ja24-1w*

WANTED—$4,500 ON GOOD REAL ESTATE security. Interest 1 per cent. per month payable semi-annually. Address "L. S.," this office. [ja23 1w]

WANTED—FROM ONE TO 50 CAR-LOADS of dry four-foot OAK WOOD. Apply to D. GARDNER, Wood and Coal Yard, corner Fourth and I streets. ja22-1w

TAKEN UP DECEMBER 28, 1879, BY the undersigned, at Weber Creek Bridge, Coloma Road, one small BAY HORSE, shod on all four feet, star on the forehead, small white spot on the nose, some white on right fore foot, and branded with what seems to be a circle on left hip. About eight years old. The owner is requested to prove property, pay charges and take the same away.
January 16, 1880. WM. E. GAYLORD.
ja17-

WANTED—INFORMATION IN REGARD TO GEORGE WHITFIELD GRAY, who went from Kentucky to California in 1849. Those having knowledge of him will confer a favor by writing to SAMUEL GRAY, at Bardstown, Nelson county, Kentucky. Postoffice Box 4. ja14-2w*

TO LET OR FOR SALE.

Advertisements of five lines in this department are inserted for 25 cents for one time; three times for 50 cents or 75 cents per week.

NICELY FURNISHED ROOMS TO LET, BY the Day, Week or Month, at reasonable prices, at southwest corner of J and Third streets, upstairs. [ja26-1w*] MRS. BARBARA MARTIN.

FOR SALE—DRAY BUSINESS, TRUCK Horses, Harness and Goodwill of an established paying business. Reason for selling, owner going in some other enterprise. Inquire at No. 821 J street; or address C. STROBEL, Commissioner, Sacramento. ja24-3t*

$200.—FOR SALE, HALF INTEREST IN a well-established, good paying business. Address "W. H. M.," this office. ja24-1w*

$4,500 160 ACRES GRAIN LAND near Dixon, Solano county, fine house of eight rooms, barn, outbuildings, nice shrubbery, good water, land all fenced and cross-fenced, all under cultivation, 120 acres in grain, 15 a res in flax, all included. School and Depot handy—a Bargain. Half Cash, balance on time. Fine list of cheap and desirable farms for sale. Send for descriptive list. [ja23-3w] J. W. COTTEN Dixon, Cal.

$1,000 TO $1,500—A NORTHERN county Newspaper for sale cheap, at a bargain. Good location. Good reasons for selling. Address "Q. Z. X," this office. ja17-tf

FURNISHED ROOMS TO LET—PLEASANT, quiet, home-like rooms, neatly furnished. To rent by the day, week or month, at prices that can not fail to give satisfaction. Northwest corner third and J. Entrances on J street, and on Third, between J and I streets. MRS. TENEYCK. ja10-tf

MONEY TO LOAN ON REAL ESTATE, IN sums to suit. [ja5-tf] P. BOHL.

IMMIGRANTS,

I WANT YOU TO KNOW THAT YOU CAN GET good bargains in improved Farming Lands and Vineyards through CARL STROBEL, Commission Agent, 321 J street, Sacramento. ja23-d1w*

HOTEL FOR SALE.

THE CHICAGO HOTEL, CONTAINING nice Lady's Parlor, 11 Single and 11 Double Rooms. Can accommodate about 40 people. The building room is well lighted and ventilated; will seat 60 persons. A nice large Kitchen, with all the latest improvements. A large Barroom and Office, all well arranged to suit the business. All the Furniture in rooms and everything pertaining to this Hotel is all new, having only been opened four months, and is now doing a good business. All the above and a five years' lease of premises is for sale at a reasonable price. Death of the wife of the landlord is the reason for this sale. For further particulars, inquire at premises, Nos. 308, 310 and 312 J street, Sacramento, Cal. ja21-tf

STORE FOR SALE.

THE STOCK AND FIXTURES of a Hardware, Tinware and Agricultural Implement Store, in the town of Chico, is offered for sale at a bargain to close the business. To a responsible party a good opportunity is offered to obtain control of an old established business at a very low figure. Capital required, $4,000 or $5,000.

Address W. J. BLACKWELL, Chico; or M. C. HAWLEY & CO., Sacramento, or San Francisco. ja5 1plm

DENTISTRY.

W. WOOD,

DENTIST (LATE WITH H. H. PIERson), successor to T. B. Reid, No. 317 J street, between Third and Fourth. Artificial Teeth inserted on all bases. Improved Liquid Nitrous Oxide Gas, for the Painless Extraction of Teeth. d24-tf

B. B. BREWER,

DENTIST, SOUTHWEST CORNER OF Seventh and J streets, in Bryte's new building, up stairs. Teeth extracted without pain by use of Improved Liquid Nitrous Oxide Gas d16-1plm

H. H. PIERSON,

DENTIST 415 J STREET, BETWEEN Fourth and Fifth, Sacramento. Artificial Teeth inserted on Gold, Vulcanite and all bases. Nitrous Oxide or Laughing Gas administered for the painless extraction of Teeth. d14-1m

GROCERIES, LIQUORS, ETC.

CHAS. W. RAPP & CO.,

GROCERS, 139 J ST. BET. FIFTH & SIXTH, Sacramento.

A new stock of American, French and English Groceries. Also, a large assorment of the finest Japan Teas d22-4plm

S. GOLDMAN,

WHOLESALE AND RETAIL GROCER

Northwest corner Second and J streets,

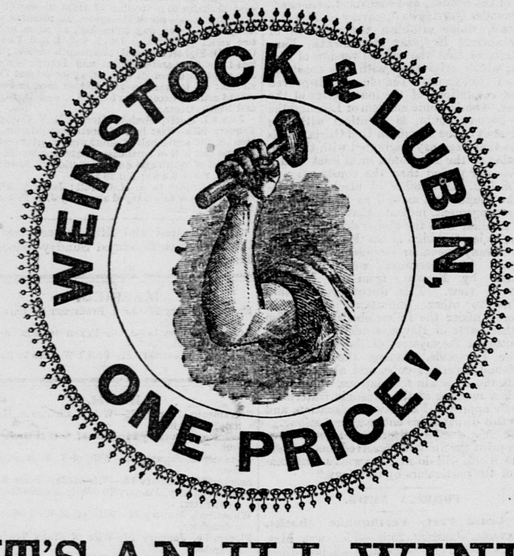
SACRAMENTO.

☞ Orders from the country promptly filled. d17-4ptf

P. H. RUSSELL.

NO. 209 J STREET.—CHOICE GROCERIES, at lowest prices. No charge for shipping. d2-4plm

THE MECHANICS' STORE.



IT'S AN ILL WIND

—THAT—

BLOWS NOBODY ANY GOOD!

So say Certain Grasping Dealers, who have taken advantage of the recent advance in prices of goods.

For not alone have they added on the actual advance in prices, but they have taken good care to add an additional 10 or 15 per cent., even on such goods where no advance has really taken place. They propose, where it is possible, to bulldoze their customers into paying big prices for inferior goods. The newest dodge is to show hesitating customers Circulars, said to come from Manufacturers and Jobbers (but really gotten up for the purpose of deception), dwelling upon the enormous advances in prices, etc.

No doubt this so-called shrewd business trick would succeed very well, and would probably help to fill the coffers of our smarter competitors. But we are just mean enough to expose these little sharp practices, and just stupid enough to stick to the golden principle of laboring for the interest of our patrons, by being the first to reduce when the market declines, and the very last to advance when the market goes up.

Of course, our so-called shrewd merchants call this unwise business policy, and say they don't believe in it worth a cent.

It seems, however, that the public does not agree with them, but sees fit to appreciate our business stupidity. The result is, that notwithstanding the general cry of hard times, it is a fact that for the same season of the year our trade is livelier at present than ever before.

This encouragement on the part of the public cheers us on, and only makes us so much more determined to protect their interests, by keeping all advances down as much and as long as possible. For this week we have the following inducements to offer in our

GENTS' FURNISHING GOODS DEPARTMENT:

A handsome line of Men's Calico Shirts, with two collars	65 cents
Very superior quality Men's Calico Shirts, with two collars	$1 00
Cheviot front (French make)	$1 35
Cheviot front and body (French make), newest patterns	$1 65
A good Knit Undershirt, white or colored	35 cents each
The best value in a White Knit Undershirt ever placed on our shelves	50 cents
A line of Japanese Fancy Stripe Undershirts or Drawers	50 cents each
A line of full-finished Knit Underwear	$1 50 each
A full line of Scotch Wool, full-finish Underwear	$2 35 each
A complete line of Navy Blue, double-breasted Overshirts	$1 45, $1 85, $2, $2 25 and $2 40
A good White Shirt, perfect fitting	75 cents
Linen bosom White Shirt, perfect fitting	$1 00
Better grades	$1 25, $1 50, $1 75 and $2
Linen Collars, newest styles	12½ cents each
Linen Collars, newest styles (better grade)	15 cents each
Linen Collars, very best quality	17 cents each
A splendid grade of Paper Collars	15 cents per box
Complete lines of Men's Cotton Half Hose	8⅓c, 10c, 12½c, 15c, 17c and 20c
A line of full-finished British Half Hose (super stout)	25 cents each
Lisle Thread Half Hose (good quality)	30 cents
Lisle Thread Half Hose (best quality)	40 cents
Balbriggan Half Hose, silk clocking	35, 40 and 50 cents
Handsome assortment of Fancy Stripe Half Hose	8⅓c, 17c, 25c, 35c, 45c and 50c.
Cotton Handkerchiefs	6¼ cents, 8⅓ cents and 12½ cents
Linen Handkerchiefs	15 cents, 20 cents, 25 cents, 30 cents, 33⅓ cents and 40 cents
Linen Handkerchiefs (initial hemstich)	50 and 75 cents
Beautiful assortment of Silk Handkerchiefs, in all shades and varieties	50 cents to $1 50
A good pair of Suspenders	for 20 cents
Better grades Suspenders	25c, 35c, 40c, 50c, 60c, 75c, 90c, $1, $1 15 and $1 25
Goat Skin Gloves	50 cents
Goat Skin Gloves (hand-made)	70 cents
Goat Skin Gloves (half gauntlet)	85 cents
Goat Skin Gloves (full gauntlet)	$1
Buckskin Gloves	90 cents, $1, $1 15 and $1 40
Buckskin Gloves (half gauntlet)	$1 15
Buckskin Gloves (full gauntlet)	$1 35 and $1 50
Dog Skin Driving Gloves	90 cents and $1
Full line of Gentlemen's Kid Gloves, all shades	$1 25, $1 50 and $1 75 per pair

NECKWEAR.

Bows, black or fancy	10 cents, 15 cents, 20 cents and 25 cents
Black String Ties	15 cents, 20 cents, 25 cents, 40 cents and 50 cents
Fancy String Ties	15 cents, 25 cents and 40 cents
Windsor Scarfs (in all colors)	45 cents, 50 cents, 75 cents, $1 and $1 50
Black Dress Scarfs	40 cents, 50 cents, 65 cents and 85 cents
Fancy Dress Scarfs	40 cents, 50 cents, 65 cents and 85 cents
Linen Cuffs	20 cents, 25 cents and 30 cents per pair.

☞ Remember, that although you may know nothing about the value of a WHITE SHIRT or any other article sold by us, still in our house, owing to our method of having one and the same price for all, you would do just as well and buy equally as low as the wisest merchant.

If you live outside of Sacramento, and cannot make it convenient to come here, send for a PRICE LIST, and you will receive a complete catalogue of our goods and prices, for

DRY GOODS!

FANCY GOODS!

CLOTHING FOR MEN AND BOYS!

Hats, Caps, Millinery, Boots, Shoes, Trunks and Valises.

☞ Orders filled through the Mails, Express or Freight. ☜

MECHANICS' STORE!

Nos. 400, 402, 404, 406 and 408 K street.

ADDRESS ALL LETTERS:

Weinstock & Lubin,

SACRAMENTO ..... CAL.

PEOPLE'S STORE.

☞ INTEGRITY IS THE VITAL SPARK OF COMMERCIAL LIFE. ENERGY IS THE BIG COG WHEEL RUN BY STEAM, AND CASH IS THAT EARNEST AND SOLID STUFF THAT WILL BUY ANYTHING ON GOD'S GREEN EARTH.

BEYOND THESE LAY THE RESERVE FORCES OF AN UNCONQUERABLE WILL—CONQUERING ALL THINGS, AND CONSTANTLY LOOKING FOR NEW FIELDS OF TRIUMPH.

☞ Since our advent in business, we have been amazed at the flattering success of our efforts to place before the publi

Solid and Substantial Goods

—AT—

CASH PRICES!

And again we quote the annexed list, at figures that are alive and speaking:

DRESS GOODS!

50 Pieces Wash Poplins (bourette styles), at 12½c a yard.

38 Pieces Brocades—Colors, plum brown and garnet, at 16c a yard.

15 Pieces Canada Greys (wool filling), at 15c a yard.

Another Case of Fancy Novelties, on which we had such a run, at 19½c a yard.

60 Pieces Silk Mixed English Plaids, at 25c a yard.

8 Pieces 45-inch "Patines"—Colors, Navy Blue, Brown and Grey, at 25c a yard.

LADIES' MERINO VESTS!

16 Dozen Good Goods (high neck and long sleeves), at 50c.

8 Dozen Extra Fine Merino, at 65c.
10 Dozen Superfine Merino, at 75c.
6 Dozen Lamb's Wool, at 90c.
Children's Merino Underwear, at 25c, 30c, 35c, 40c, 45c, 50c.

WE HAVE JUST ADDED A

MEN'S FURNISHING GOODS DEPARTMENT,

And have just received direct from Hartford, Conn, our first line of

White Shirts!

500 Dozen Unlaundered White Shirts, at 95 cents each.

It is a well made Shirt, of Heavy Muslin and Fine Linen Bosom and Cuffs.

35 Dozen Fine Laundered Dress Shirts, at $1 50.

Made of Wamsutta Muslin, and Beautiful Fine Irish Linen Bosom and Cuffs.

NOTE.—The above SHIRT is really worth $2, and cannot be purchased at less in any other house in the city.

Canton Flannel Shirts or Drawers, 50c each.

Extra Heavy (All Wool, Twilled) Red Flannel Shirts or Drawers, $1 40.

Men's Merino Shirts ..... **at 50c and 65c** (Splendid value).

Gents' Linen Collars ..... **at 12½c each.**

A full line of MEN'S SOCKS, at all prices.

☞ Those living at a distance can be supplied with the above articles by Express, sent to any address C. O. D.

☞ Samples sent on application. Address: "SAMPLE DEPARTMENT,"

PEOPLE'S STORE,

No. 600 J STREET,

Southeast Corner Sixth ..... Sacramento

POSTOFFICE BOX 28. o1-1ptf TuThS

CALIFORNIA LEGISLATURE.

XXIII. SESSION—TWENTY-SECOND DAY.

[Phonographically Reported for the RECORD-UNION by Willis & Stockton.]

SENATE.

SACRAMENTO, January 26, 1880.

At 10 A. M. President Mansfield called the Senate to order and the following Senators answered to their names: Senators Burt, Carlock, Chase, Cheney, Davis, Dickinson, Harlan, Hill, Hittell, Johnson, Johnston, Kelly, Moreland, Neumann, Nye, Satterwhite, Sears, Watson, Wendell and West—20.

There being no quorum present, on motion of Mr. Dickinson, the Senate adjourned until 11 A. M.

At 11 A. M. the President again called the Senate to order and the Secretary called the roll. Senator Ryan answered to his name, in addition to the above named Senators, making a quorum.

Journal of Friday read and approved after correction.

Leave of absence was granted Senators Brown and Pool.

RESOLUTION.

Mr. DAVIS offered a resolution requesting the Controller of State to give the Senate, so far as he may be able, an estimate of the amount that will be required for the contingent expenses of the Senate for a session of 100 days; also, the amount of the contingent expenses of the last Senate during the last 100 days of the session.

On motion of Mr. JOHNSON it was referred to the Committee on Contingent Expenses.

REPORTS.

Mr. NYE, from the Committee on Judiciary, reported back bills with the following recommendations: Senate Bill No. 32—An Act to amend certain sections of the Penal Code, providing for certain proceedings before the Superior Courts organized in place of the Courts abolished by the new Constitution—passage as amended; Senate Bill No. 38—An Act to amend certain sections and to repeal certain sections of the Penal Code—passage as amended; Senate Bill No. 38—An Act to amend certain sections of the Penal Code—passage as amended; Senate Bill No. 40—An Act to repeal an Act to prevent changes in the text-books in use in the public schools—passage; Senate Bill No. 109—An Act to amend certain sections of the Code of Civil Procedure, relating to parties to civil actions—passage; Senate Bill No. 113—An Act to amend certain sections of the Code of Civil Procedure—passage as amended; Senate Bill No. 114—An Act to amend certain sections of the Code of Civil Procedure—passage as amended; Senate Bill No. 115—An Act to amend Section 563 of the Code of Civil Procedure—passage; Senate Bill No. 39—An Act to amend certain sections of the Penal Code—passage as amended; Senate Bill No. 93—An Act to amend Section 130 of the Code of Civil Procedure—passage; Senate Bill No. 112—An Act to amend certain sections of the Code of Civil Procedure—passage as amended.

Mr. CARLOCK, from the Committee on Engrossment, reported correctly engrossed Senate Bills Nos. 24, 28, 29, 31, 33, 35, 36 and 37.

INTRODUCTION OF BILLS.

Bills were introduced, read first time at length and referred as follows:

By Mr. HITTELL—An Act to amend certain sections of the Code of Civil Procedure relating to the settlement of estates of deceased persons. Committee on Judiciary.

Also, an Act to amend certain sections of the Code of Civil Procedure relating to guardians and wards. Committee on Judiciary.

Also, an Act to amend Sections 1811 and 1812 of the Code of Civil Procedure. Committee on Judiciary.

Also, an Act to amend certain sections of the Code of Civil Procedure relating to evidence. Committee on Judiciary.

Also, an Act to add a new section to the Penal Code, to be known as Section 796, relating to trial, or informations for publications in newspapers. [Provides that trials shall take place in the county where such newspapers have their publication offices, or in the county where the party alleged to be libeled resides at the time, unless the cause or trial should be changed for good cause.] Committee on Judiciary.

By Mr. CARLOCK—An Act to amend Section 514 of Title 5 of Part 2 of the Civil Code, concerning wagon road corporation. Committee on Roads and Highways.

Also, an Act to amend Section 2814 of Article II, Chapter 3, Title VI. of the Political Code, concerning public roads. Committee on Roads and Highways.

By Mr. WENDELL—An Act to amend Sections 392, 393, 394, 396, 397 and 398 of the Code of Civil Procedure, relating to civil actions. Committee on Judiciary.

Also, an Act to amend the Political Code by adding a new section to be known as Section 4125, relative to the duty of Grand Jurors. Committee on County and Township Governments.

Also, an Act to amend Sections 3732, 3734, 3736, 3746, 3758, 3789, 3797, 3799, 3812 and 3881, and to repeal Sections of the Political Code 3733, 3893 and 3896 of said code, providing for duplicate assessment books. Committee on Judiciary.

Also, an Act to amend Section 1483 of the Code of Civil Procedure, relating to property set apart for the use of the family. Committee on Judiciary.

Also, an Act to amend Sections 4215 and 4216 of the Political Code. Committee on County and Township Government.

By Mr. RYAN—An Act to add two new sections to the Political Code relating to the arrangement and publication of the amendments to the Codes. Committee on Judiciary.

By Mr. JOHNSON—An Act to amend an Act entitled "An Act for the relief of insolvent debtors and protection of creditors" and other Acts amendatory and supplementary thereto. Committee on Judiciary.

The Senate took the usual recess.

AFTERNOON SESSION.

The Senate reassembled at 1:30 P. M., President Mansfield in the chair.

Roll called and quorum present.

Leave of absence was granted Senators Kane and George.

The reading of bills was continued.

By Mr. JOHNSON—An Act to regulate fire, marine and inland insurance companies transacting business in this State. [Provides an income tax on foreign companies.] Committee on Corporations.

Also, an Act to relieve the county officers of the various counties of this State from performing any services as such for corporations without compensation. Committee on Swamp Lands.

Also, an Act to amend Sections 2168 and 2209 of the Civil Code, in reference to common carriers. Committee on Judiciary.

Also, an Act to repeal an Act entitled an Act to organize Reclamation District No. 265, and to define its boundaries and provide for its government, approved April 1, 1878. Committee on Swamp Lands.

Also, an Act to provide for the publication of the debates and proceedings of the Constitutional Convention of the State of California. [Provides that the State Board of Examiners shall enter into a contract with E. B. Willis and P. K. Stockton for a full report of the proceedings and debates of the Constitutional Convention at twenty cents per folio of one hundred words, the whole not to exceed $20,000. The Board to have such copies printed as they may deem necessary, and they are to be sold by the Secretary of State at such a price as will reimburse the State for the entire outlay.] Committee on Judiciary.

By Mr. GLASCOCK—An Act to authorize the Board of Supervisors of any county to create bounty districts for the destruction of wild animals. Committee on County and Township Governments.

GENERAL FILE.

The Senate took up the general file and disposed of bills as follows:

Senate Bill No. 24 An Act to amend Sections 689, 1042, 1450, and 1435, of the Penal Code, relating to trials by jury (by Mr. Nye)—was read a third time at length and passed by a vote of 25 ayes to 0 noes.

Assembly Bill No. 2—An Act to make the Code of Civil Procedure and the Penal Code of California the rule of action in the Courts as at present organized (by Mr. Tyler)—being the special order for 2 P. M., was passed over temporarily.

Senate Bill No. 28—An Act to repeal Section 4329 of the Political Code, regulating the salaries of County Judges (by Mr. Nye)—was passed by a vote of 25 ayes to 0 noes.

A message was received from the Governor transmitting a report from the Trustees of the State Normal School.

Senate Bill No. 29—An Act to repeal Sections 499 and 684 of the Political Code, relating to the salaries and compensation of public officers (by Mr. Nye)—was passed by a vote of 25 ayes to 0 noes.

Senate Bill No. 23—An Act to amend Sections 86, 89, 227, 228, 504 and 514 of the Penal Code, relating to crimes and punishments (by Mr. Nye)—was passed by a vote of 27 ayes to 0 noes.

Senate Bill No. 31—An Act to amend Sections 1338 and 1353 of the Penal Code, providing for the examination of witnesses (by Mr. Wendell)—was passed by a vote of 26 ayes to 0 noes.

Senate Bill No. 33—An Act to add a new section, to be known as Section 99, to the Penal Code, relating to the crime of lobbying (by Mr. Wendell)—was passed by a vote of 26 ayes to 0 noes.

Senate Bill No. 35—An Act to amend Section 1029 of the Penal Code, relating to prosecutions of Judges of the Superior Courts (by Mr. Wendell)—was passed by a vote of 27 ayes to 0 noes.

Senate Bill No. 36—An Act to repeal Sections 1028, 1030, 1112 and 1143 of the Penal Code, relating to judicial proceedings in criminal cases (by Mr. Wendell)—was passed by a vote of 28 ayes to 0 noes.

Senate Bill No. 37—An Act to amend Section 868 of the Penal Code, declaring who are Magistrates (by Mr. Wendell)—was passed by a vote of 28 ayes to 0 noes.

Senate Bill No. 60—An Act to provide for removing officers of mining corporations by the shareholders having a majority of the shares of stock thereof, and electing other officers (by Mr. Hittell)—was taken up, and on motion of Mr. DICKINSON was made the special order for to-morrow, at 2 P. M., on its second reading.

Senate Bill No. 94—An Act to amend Sections 265 and 266 of the Code of Civil Procedure, relating to ministerial officers of the Supreme Court (by Mr. Hittell)—was taken up, read second time by sections and ordered engrossed.

SPECIAL ORDER.

The Senate took up the special order, as follows:

Assembly Bill No. 2—An Act to make the Code of Civil Procedure and the Penal Code of California the rule of action in the Courts as at present organized (by Mr. Tyler.) Bill read second time by sections.

HELD UNCONSTITUTIONAL.

Mr. DICKINSON—I move to strike out the enacting clause of the bill. I was in favor of the bill the other day, though I had some serious doubt as to the constitutionality of the bill, but owing to the apparent urgency of the case, and lack of knowledge upon the subject at hand, I voted in favor of the majority report as rendered. Since that time I have given the matter some attention, and I am satisfied that the bill is inconsistent with and repugnant to the 24th Section of Article IV. of the Constitution; and it embraces more than one subject in its title.

Mr. SATTERWHITE—There is one provision in the bill that might be adopted here. Upon the suggestion of some of the members of the Committee on Judiciary all of the committee were somewhat in doubt as to the constitutionality of the bill. It was not amended; no motion was made to amend it, because if an amendment was recommended it would require the bill to be printed and sent back to the Assembly for its concurrence, and therefore retard its passage. I am satisfied that the first expression in this bill is constitutional: "All the provisions of the Code of Civil Procedure and of the Penal Code of this State in force on the thirty-first day of December, eighteen hundred and seventy-nine, are hereby declared to be the rule of action and proceeding in all the Courts of this State as at present organized under the provisions of the Constitution." Now in that is a good provision and if we strike out all after "Constitution" in Section 1, that section will stand as a good law. Now you take Section 2: "Until otherwise provided by law, or by order of the Court, all process issued by or under the authority of the Superior Courts of this State shall be under the seal of the old County Courts of the several counties." Now that is a good section. I do not suppose there is a lawyer on this floor that will dispute that. I hope that this motion to strike out the enacting clause will be voted down, and after the vote is taken and that motion is voted down, and the Senate refuses to strike out the enacting clause, I will move to amend by striking out in Section 1 all that follows the word "Constitution." Now I will submit that proposition to the lawyers on this floor, if it is not a good provision.

Mr. HITTELL—I agree fully with the gentleman that that is a good provision, but I hold that it is the law without the necessity of enacting it as a statute. I say that, as the matter stands now, so far as that portion is concerned, it is the law without passing a statute. That disposes of that part. My impression is, in reference to seals, that there is a provision in the statute, which is in force, which allows the clerks to use their private seals until a seal is provided by the Court, so that there is no necessity of providing that the seals of the County Courts may be used. I cannot see any necessity for the bill at all. It seems to me that the minority report which was presented here was entirely proper, and that the bill is unconstitutional. I shall therefore vote on this subject to strike out the enacting clause.

Mr. DAVIS—As one who signed the minority report in this case I think it should be stated further that when this bill first came up for consideration before the Committee on Judiciary, if my memory serves me right, every member of that committee declared against the constitutionality of the bill, for the reason that the title does not express what the new Constitution declares every bill shall express. Now this bill was introduced in the Assembly by a prominent member of the bar, and it appears to me that the subsequent action of the Committee on Judiciary in reconsidering the bill and reporting upon it favorably was more an act of courtesy to him than an act based upon their own judgment. Now, I do not understand that the Senator from the First asserts that this bill will be constitutional. No one will gainsay his assertion that the provision of the bill is a good one, but we certainly cannot enact so many provisions of the Code of Civil Procedure and the Penal Code of this State by as small a section as this, and by a simple reference that is made to the title by this bill. We object to it on the ground that it is unconstitutional, and if it be so, and I think the majority of the Committee on Judiciary have so decided, why should this bill be passed?

Mr. CONDER—As I understand the Constitution all laws remain in force which are not inconsistent with the new Constitution until repealed, and as this Act embraces more than one subject in its title, I see no necessity for the Act at all. We are now repealing some of the sections and amending others, and I cannot for the life of my understand what is the necessity of this Act. I shall therefore vote to strike out the enacting clause.

Mr. RYAN—I understand the motion to be to strike out the enacting clause. I doubt if the Senate has power to strike out the enacting clause of an Assembly bill. We may amend the bill, or strike out all after the enacting clause, but we have not the power to strike out the enacting clause.

Mr. NYE—I shall offer as a substitute for the motion the indefinite postponement of this bill.

The motion prevailed.

RESOLUTIONS.

Mr. JOHNSTON offered a resolution authorizing the Committee on Agriculture and Swamp Lands jointly to employ a clerk. Referred to the Committee on Contingent Expenses.

MORE BILLS.

By Mr. JOHNSON—An Act to provide for the enlargement of the State Printing Office and for the repairing and painting of the building. [Appropriates $4,000 for that purpose.] Committee on Public Buildings.

By Mr. HILLER—An Act for the relief of purchasers of State Land. Committee on Public, Swamp and Over flowed Lands.

By Mr. SEARS (by request)—An Act to amend Sections 3217, 3645, 3644, 3657, and 3793 of the Political Code. Committee on Finance.

By Mr. ENOS—An Act to repeal Section 1125 of the Code of Civil Procedure. Committee on Judiciary.

Also, an Act to amend Section 1124 of the Code of Civil Procedure. Committee on Elections.

By Mr. RYAN—An Act to direct Assessors in the assessment of evidences of indebtedness. Committee on Finance.

By Mr. JOHNSTON—An Act concerning partition fences. Committee on Agriculture.

By Mr. JOHNSON—An Act to regulate fire, marine and insurance companies transacting business in this State. [Provides no income tax.] Committee on Corporations.

Also, an Act to abolish the office of Surveyor-General. Committee on Judiciary.

RESOLUTIONS.

Mr. PARDEE offered a resolution that all further calls upon the contingent fund of the Senate be referred to the Committee on Contingent Expenses without debate. Adopted.

Mr. NEUMANN offered a resolution providing that the Clerk of the Committee on Elections shall receive $5 per day. Referred to the Committee on Contingent Expenses.

Mr. NYE offered a resolution that twelve copies of all printed bills be given the Committee on Judiciary. Adopted.

On motion of Mr. DAVIS the Senate, at 3:20, adjourned.

ASSEMBLY.

SACRAMENTO, January 26, 1880.

The Assembly met pursuant to adjournment. Speaker Cowdery in the chair. Roll called and quorum present.

Prayer by the Chaplain

Leave of absence granted to all absentees.

AN IMPERFECT JOURNAL.

The SPEAKER—I wish to call the attention of the house to the minutes. The manner in which the minutes have gone into print is liable to endanger the legislation of this body. We have approved the minutes from the beginning of the session up until last Thursday, and they certainly have not contained the proper record. If our legislation depends upon these minutes as they are now printed, one half of the bills that we have considered will never become valid laws, simply because the members including these bills have not examined the journals as printed. For instance, in running through the journals I find some of the bills do not show that they have been read a first or second time. A great many mistakes occur in the numbers of the sections in cases where the Codes have been amended by reference to the numbers of the sections. Suppose a bill has been introduced amending Section 40 of the Political Code. Now suppose the figures are copied wrong, and 50 inserted instead of 40. Then the journal will show that the bill has not been read three times. Now we must either read the minutes in full, so that the members can criticise and correct them as we go along, or the Chairman of committees must have their Clerks report to them also the proceedings and the house hold them responsible. The minutes are written up in a book not intended for that purpose, and now that a regular journal has been procured, I suggest that they be re-written, and that the house rescind its action in approving them, and the Chair will undertake, if the house desires it, the correcting of the journal. These mistakes are not in any sense the fault of the Clerks.

Mr. MAY—I move to adopt the suggestions of the Chair be accepted by this house and adopted as the rule of order for the future.

Mr. MATHEWS—I move that the vote by which the minutes have been adopted be rescinded, and that the Chairman of the committees be held responsible for the accuracy of the reports made by them to this house.

The motion was adopted.

REPORTS.

Mr. BRAUNHART, Chairman of the Committee on Chinese, reported back Assembly Bill No. 89, an Act to create a fund in every county, city and county in the State, and for an annual poll tax on aliens, with a substitute, recommending the passage of the substitute.

Mr. SHERBURN reported a number of bills correctly engrossed.

Mr. MCCOMAS, Chairman of the Committee on Public Lands, reported back Assembly Bills Nos. 64, 144 and 146, and recommended passage.

INTRODUCTION OF BILLS.

By Mr. STREETER—An Act to amend Section 3952 of the Civil Code, relative to liens on personal property. Referred to Committee on Judiciary.

Also, an Act to authorize the Board of Supervisors in counties in which water is sold for irrigation to fix the rates. Referred to Committee on Irrigation.

By Mr. CORCORAN—An Act to repeal an Act in relation to the office of Court Commissioner of San Joaquin county. Referred to file.

Also, an Act to repeal an Act relating to the assessment of migratory herds of live stock. Referred to Committee on Ways and Means.

By Mr. FELTON—An Act for the further protection of stockholders in mining companies. Referred to Committee on Corporations.

Also, an Act to add a new section to the Civil Code. Referred to Committee on Corporations.

By Mr. MCCARTY, of Lake—An Act to prevent the trespass of stock upon private property. Referred to Committee on Agriculture.

By Mr. HYNES—An Act to provide for the condemnation of land for school purposes. Referred to Judiciary Committee.

By Mr. MAYBELL—An Act doubling the penalties for offenses committed by public officers, and to abolish official bonds.

By Mr. COOPER—An Act to add a new section to the Code of Civil Procedure. Referred to Committee on Judiciary.

By Mr. MERRY—An Act to provide for the incorporation of mutual fire insurance companies. Referred to Committee on Corporations.

By Mr. FRASER—An Act to define the railroad districts in this State, and to provide for the election of Commissioners thereunder. Referred to Committee on Elections.

By Mr. HARRIS—An Act to amend Section 1493 of the Code of Civil Procedure, relating to the release of sureties on the bonds of administrators. Referred to the Committee on Judiciary.

Also, an Act to amend Section 2845 of the Civil Code, relating to the rights of sureties. Same reference.

By Mr. MCCOMAS—An Act to repeal an Act entitled an Act to rectify and confirm the acts of the Mayor and Common Council of the city of San Jose.

By Mr. WASSON of Mono—An Act for the further protection of laborers in their wages. Referred to Committee on Labor and Capital.

By Mr. TYLER—An Act to prevent the commencement of suits to quiet title to and for the possession of real estate in certain cases without the depositing of certain moneys in the Treasury. Referred to Committee on Judiciary.

REPORT.

Mr. TYLER, out of order, presented the report of the committee appointed to present the test case to the Supreme Court.

By Mr. CAMERON—An Act to amend Section 849 of the Code of Civil Procedure. Referred to the Committee on Judiciary.

MESSAGE FROM THE SENATE.

A message was received from the Senate announcing the passage of Senate Bill No. 56.

SECOND READING OF BILLS.

Assembly Bills Nos. 126, 158 and 58 were read a second time.

MOTIONS AND RESOLUTIONS.

Mr. MERRY offered a resolution to the effect that the Controller be requested to furnish a list of the officers and employes on the pay-roll of the State, excepting certain State officers and the Senate, the same to be referred to the Committee on Retrenchment, with instructions to report a bill fixing the salaries of all such officers and employes at such a figure as can be adopted without impairing the efficiency of the various departments. Adopted.

By Mr. COOPER—Ordering 360 copies of each bill to be printed. Referred to Committee on Rules.

A POLITICAL BREEZE.